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## Psychiatry, psychology, and crime: historical and current aspects

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## **PSYCHIATRY, PSYCHOLOGY, AND CRIME: HISTORICAL AND CURRENT ASPECTS**

### **INTRODUCTION**

Psychiatry and psychology can explain crime, account for criminal behavior, and treat the criminal. Historically psychiatry and psychology have been intertwined with the development of law. Medicine, and its later subdiscipline, psychiatry, was particularly involved in helping to advance the concepts of guilty intentions (*mens rea*) and responsibility for the criminal act itself (*actus reus*), thereby refining the insanity and diminished responsibility defenses. As knowledge developed and the law became more sophisticated, distinctions were made between those criminals with a mental illness or those who were born with a mental impairment (now termed “learning disability”). Psychology, in particular through its work on personality disorder, introduced the idea that psychopathic behaviors that were aggressive or seriously antisocial while carried out rationally nonetheless contributed to diminished responsibility. Dominant among the preoccupations of psychiatry has been diagnosing and classifying mental illness while psychology has a wider brief, engaging in aspects of the investigation and prosecution of crime as well as searching for causes and treating offenders. The questions for psychiatry have centered on how mental incapacities come about (organically, genetically, constitutionally, dispositionally) and how to assess or measure their symptoms to help decide whether an individual acted rationally or irrationally in order to determine what to do with them (imprison or hospitalize). As medical experts, psychiatrists have assisted the courts where the insanity defense has been argued. In terms of treatments, should such a defense prevail, early interventions were segregation from other prisoners, physical restraint. Later, surgical treatments and the inducing of shock prevailed, while in the 20th century the discovery of psychotropic drugs served as a great breakthrough. Psychology emerged from a philosophical tradition likewise in the 19th century. Psychologists have only lately been employed to provide expert evidence in the courts. As psychology’s focus is more toward behavior and personality (and also deals with non-mentally disordered offenders), their role in courts often have to do with competency assessments while interventions tended to be designed to improve reasoning, social skills, or adjustments in thinking in order to facilitate re-incorporation into society. Psychologists also were instrumental in developing psychometric and other measures to predict risk of future criminal behaviors or recidivism. Both psychiatry and psychology have broader remits than purely an interest in crime, thus the term “forensic,” meaning “of the courts” identifies that particular concern such that forensic psychiatry and forensic psychology have developed as specialisms within their parent disciplines. A theme of this bibliography is to reflect the differences in approach between psychiatry and psychology. In doing so reference will be made to pioneers, key cases, and also the role played by institutions, notably Bedlam, the York Retreat, and Broadmoor, in the development of theory and practice.

## DEFINING FORENSIC PSYCHIATRY

Barras and Bernheim 1990 describes the first use of the term “psychiatry” in 1808 by Reil, a German professor of medicine whose practitioners became known as “alienists” until the 20th century. Mohr 1997 explains how forensic psychiatry emerged as a professional activity in the United States during the latter part of the 19th century with the introduction of new theories about insanity together with the concerns of early state governments about mental health. Bowden 1991 clarifies the situation in the UK, where forensic psychiatry did not develop as a subspecialty until the 1970s (although textbooks on the subject had appeared much earlier, such as Norward East’s *Medical Aspects of Crime*). Prior to that, general psychiatrists catered for and were invited to court proceedings to deal with mentally disordered patients. Hollin 2013a defines forensic psychiatry as the application of psychiatric knowledge to offender populations with respect to the juxtaposition between mental disorder and criminal behavior and provides a helpful explanation of *mens rea* and *actus reus*. One of the roles of forensic psychiatrists is to inform the court whether the accused is mentally disordered. Barboriak 2003 describes a further role in terms of psychiatrists’ involvement within correction settings, including lock-ups, jails, detention centers, and community correctional programs.

Barboriak, P. N. 2003. The history of correctional psychiatry. In *Principles and practice of forensic psychiatry*. 2d ed. Edited by R. Rosner, 475–483. London: Arnold. [ISBN: 9780340806647][class:bookChapter]

This essay describes the movement in the United States from punitive treatment of inmates toward treatment and rehabilitation alternatives charting trends from biological theories, application of psychoanalytic principles and evaluation of treatments.

Barras, V., and J. Bernheim. 1990. The history of law and psychiatry in Europe. In *The history of forensic psychiatry*. Edited by D. Forshaw and H. Rollin, 103–110.[class:bookChapter]

Notes the first appearance of the term “psychiatrie” in 1808 attributed to Johann Reil, who systematically distinguished between mentally disordered inmates and other prisoners. The chapter describes early classificatory work by Pineal and Lombroso.

Bowden, P. 1991. Pioneers in forensic psychiatry: William Norward East. *Journal of Forensic Psychiatry and Psychology* 2:59–78.[class:journalArticle]

Recounts the life and work of Sir William Norwood East (b. 1872–d. 1953) who advocated separation of mentally disordered prisoners. He wrote several books on what was to become recognized as forensic psychiatry.

Hollin, C. R. 2013. Forensic psychiatry. In *Encyclopedia of Forensic Sciences*. 2d ed. Edited by J. Siegal, P. Saukko, and M. Houck, 188–191. Amsterdam: Elsevier.[class:bookChapter]

Outlines the meaning and explains the significance of the legal concepts of *mens rea* and *actus reus* for the practice of psychiatry and psychiatrists’ responsibilities to the courts.

Mohr, J. C. 1997. The origins of forensic psychiatry in the United States and the great nineteenth-century crisis over the adjudication of wills. *Journal of the American Academy of Psychiatry and the Law* 25:273–284.[class:journalArticle]

Discusses factors in the development of forensic psychiatry in the United States: the medico legal vision of early American physicians, the introduction of new theories

about insanity, the concern of early state governments with mental health, and the advent of marketplace professionalism.

Thompson, L., and L. Robinson. 2010. The relationship between crime and psychiatry. In *Companion to psychiatric studies*. 8th ed. Edited by E. Johnson, D. Cunningham Owens, S. Lawrie, A. McIntosh, and M. Sharpe, 731–768. Edinburgh: Churchill Livingstone Elsevier. [ISBN: 9780702031373][class:bookChapter]

This commentary provides a succinct overview of forensic aspects of psychiatric disorders, the roles played by psychiatrists and psychologists in risk assessment and management as well as assessable accounts of major theoretical underpinnings.

## DEFINING FORENSIC PSYCHOLOGY

Precisely defining psychology's contribution to understanding crime is somewhat problematic and controversial. More eclectic approaches draw on developmental, social, and cognitive psychologies to provide theoretical conceptualizations in explaining criminal behavior. Authorities such as Hollin 2013 prefer the term “criminological psychology” as encompassing psychological knowledge applied to the study of criminal behavior and its various agencies, such as police and prisons. Blackburn 1995 uses a more restricted definition of forensic psychology as activities undertaken for the law (i.e., as experts to the courts). Brigham 1999 has a more expanded definition, as do others such as Canter and Youngs 2009, which encompasses interviewing, the detection of deception, police decision making, and psychological offending profile under the rubric of investigative psychology. Canter's *Oxford Bibliographies* article [\\*Psychology and Crime\[obo-9780195396607-0114\]\\*](http://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0114.xml) is a further resource, and it lists key papers in investigative psychology. A further complication is the subspecialty of forensic clinical psychology. Huss 2014 describes this as the application of clinical psychology to the legal system and includes the assessment and treatment of individuals within a legal context. Within the remit of forensic psychology are competency assessments and tests of fitness to plead in criminal cases outlined by Ferguson and Ogloff 2011. Hollin 2013 elaborates on the key differences between forensic psychology and psychiatry in terms of qualifications, statutory powers and responsibilities, models, methods, types of assessment, and interventions.

Blackburn, R. 1995. What is forensic psychology? *Legal and Criminological Psychology* 1:3–16.[class:journalArticle]

Discusses the controversy around naming and makes the case for retaining a narrow definition restricted to psychology pertaining to the courts. Also included is an explanation of who the forensic psychologist's client is and ethical dilemmas that arise from potential conflicts.

Brigham, J. 1999. What is forensic psychology anyway? *Law and Human Behavior* 23:273–298.[class:journalArticle]

Outlines the historical developments of forensic psychology, lists landmark cases, and covers the divide between broad and narrow definitions and the roles of clinical practitioners and academic researchers.

Canter, David. *\*Psychology and*

*Crime*[<http://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0114.xml>]\*. In *Oxford Bibliographies in Criminology*. Edited by Beth Huebner. 2014.[class:dataSetItem-database]

In this annotated bibliography David Canter provides an introduction to forensic psychology together with a brief reference to its history. He then gives a more detailed account of investigative psychology.

Canter, D., and D. Youngs. 2009. *Investigative psychology offender profiling and the analysis of criminal action*. Chichester, UK: Wiley. [ISBN: 9780470023969][class:book]

Briefly summarizes the origins of offender profiling and its development into a broader discipline of investigative psychology. Much empirical research within this framework is presented elucidating aspects of acquisitive, violent, and sexual-offending behaviors.

Ferguson, M., and J. R. P. Ogloff. 2011. Criminal responsibility evaluation: Role of psychologists in assessment. *Psychiatry, Psychology and Law* 18:79–94.[class:journalArticle]

Although the defense of insanity has been in existence for centuries, more recently psychology has been gaining acceptance in this field of mental health and law; this article charts the role that psychologists play in the evaluation of those who plead that they are not criminally responsible because of a mental disorder.

Hollin, C. R. 2013. Forensic psychology and psychiatry. In *Encyclopaedia of Forensic Sciences*. 2d ed. Edited by J. Siegal, P. Saukko, and M. Houck, 183–187. Amsterdam: Elsevier.[class:bookChapter]

A highly informative short essay sketching the origins of both forensic psychiatry and forensic psychology together with a delineation of the differences between the two.

Huss, M. T. 2014. *Forensic psychology; research clinical practice and application*. 2d ed. Hoboken, NJ: Wiley. [ISBN: 9781118554135][class:book]

For those studying clinical forensic psychology, this has a helpful introductory chapter describing clinical forensic psychology history and early developments. Thereafter accounts are provided of modern assessment and treatments in particular relating to violent and sexual offenders.

## GENERAL TEXTS

There are a number of edited handbooks and encyclopedias whose contributory essays and chapters provide compendiums of resources to both historic and current theories and practice in forensic psychiatry and forensic psychology. Among these resources, many relevant topics are covered. The history of and contemporary issues in forensic psychiatry are covered by Berrios and Freeman 1991 and Berrios and Freeman 1996, two edited volumes that contain essays from historical, policy, legislative, and practice perspectives. The edited collection Bluglass and Bowden 1990 provides the foundations of forensic psychiatry and looks at contemporary issues of psychiatric understanding of specific crimes. Gunn and Taylor 2014 focuses on the United Kingdom having key chapters on mental health law and also covering modern approaches to different types of crime. The history of forensic psychology, the different settings in which American forensic psychologists work, and key practice issues are covered in the updated edition of Weiner and Otto 2014. Crighton and Towl 2014 is also an updated edition and provides an account of British practice; it includes a number of useful critical essays on, for example, controversial areas such as psychological offender profiling (see also \*Controversies\*).

Berrios, G., and H. Freeman, eds. 1991. *150 years of British psychiatry: 1841–1991*. Vol. 1. London: Gaskell. [ISBN: 9780902241367][class:book]

Written as a commemorative text, Volume 1 contains contributions by historians and clinicians. Kathleen Jones's article is particularly helpful in charting the development of legislation from the Lunatics Act of 1845 to the 1983 Mental Health Act. See also Berrios and Freeman 1996.

Berrios, G., and H. Freeman, eds. 1996. *150 years of British psychiatry: The Aftermath*. Vol. 11. London: Athlone. [ISBN: 9780485115062][class:book]

Covering a wider range of topics such as psychotherapy, mental handicap, addictions, rehabilitation psychiatry, forensic psychiatry, and biological psychiatry, this book's broad brush extends to other disciplines including mental health nursing, occupational therapy, and psychology.

Bluglass, R., and P. Bowden, eds. 1990. *Principles and practice of forensic psychiatry*. Edinburgh: Churchill Livingstone. [ISBN: 9780443035784][class:book]

Containing a helpful introduction to many of the pioneers, this volume has informative essays about specific crimes and the measurement, aspects, and processes within the criminal justice system as well as contributions on the mental element in crime (a useful essay on *mens rea* and *actus reus*) and mental disorders (e.g., schizophrenia) details of personality disorders, violence, deviant criminal sexual behaviors, and unusual behaviors such as Munchausen syndrome. There is also a section with an international perspective on institutions and services.

Crighton, D. A., and G. J. Towl, eds. 2014. *Forensic psychology*. Chichester, UK: Wiley.[class:book]

This second edition updates current controversies and practice offering chapters that describe the British criminal justice system and working environments of forensic psychologists. The contributions include assessment and treatment issues together with investigative procedures. Also offers reviews of the most recent research.

Gunn, J., and P. Taylor, eds. 2014. *Forensic psychiatry: clinical, legal, and ethical issues*. 2d ed. Boca Raton, FL: CRC. [ISBN: 9780340806289][class:book]

A comprehensive collection describing mental health legislation in the United Kingdom and thereafter discussing genetic and organic influences of offending behaviors. As well as specific contributions on sexual, violent, and acquisitive offending there are essays on personality disorders, addictions, and treatments.

Rosner, R., ed. 2003. *Principles and practice of forensic psychiatry*. 2d ed. London: Arnold. [ISBN: 9780340806647][class:book]

Has a twelve-chapter history section, then short essays contribute introductions to legal regulation, forensic evaluation, civil and family law, corrections, and twenty-seven special topics such as malingering, dangerousness, and torture. There is also a selection of key landmark cases.

Siegal, J., P. Saukko, and M. Houke, eds. 2013. *Encyclopedia of forensic science*. Amsterdam: Elsevier.[class:book]

Of the four volumes, Volume 1 and Volume 3 are the most relevant and cover various crimes and aspects of legal processes including expert testimony. Three short essays by Clive Hollin provide a succinct and clear definition and origins of forensic psychology and psychiatry and the differences between them.

Weiner, R. K., and R. K. Otto. 2014. *The handbook of forensic psychology*. 4th ed. Hoboken, NJ: Wiley.[class:book]



Containing a chapter on the history of forensic psychology and also a further chapter defining the settings in which forensic psychologists work (e.g., prisons, police, and the courts) and topics of interest to forensic psychologists (eyewitness testimony, detecting deception). In addition, there are sections on practice issues in both civil and criminal proceedings and contemporary interventions in violent and sexual offending.

## KEY JOURNALS

To assist students and young scholars in navigating the many available journals, there is a helpful review article, [Piotrowski 2012](#), on the most-cited journals on forensic psychology. Details of the five highest-ranked journals are given below. *American Journal of Psychiatry*, *British Journal of Psychiatry*, and the *History of Psychiatry* are especially relevant to the historical aspects of the subject. The two former journals also cover contemporary issues in forensic psychiatry. *Behavioral Sciences and the Law* and *Law and Human Behaviour* provide articles about contemporary research and developments in forensic psychology. *Journal of Forensic Practice*, as the title suggests, covers professional issues. *Psychology Psychiatry and Law* aims to cut across disciplinary boundaries and offers articles from a wealth of perspectives. *Journal of the American Academy of Psychiatry and the Law* provides articles about a wide range of topics pertaining to areas of practice in forensic psychiatry.

*American Journal of Psychiatry* (1844–).[class:periodical]

By virtue of its longevity, there are many articles of historic relevance, covering key reports and providing contemporary descriptions of key institutions. The latest advances in the diagnosis and treatment of mental illness are explored across the full spectrum of issues related to mental health diagnoses and treatment and patient populations. Available [\\*online\[http://ajp.psychiatryonline.org/\]](http://ajp.psychiatryonline.org/) by subscription.

*Behavioral Sciences and the Law* (1983–).[class:periodical]

This has international coverage and provides current and comprehensive information on topics pertaining to law and the behavioral sciences including theoretical, mental health, legal, and research writings. Most issues are devoted to one special topic, often presented from a variety of disciplinary perspectives. Available [\\*online\[http://onlinelibrary.wiley.com/journal/10.1002/\(ISSN\)1099-0798\]](http://onlinelibrary.wiley.com/journal/10.1002/(ISSN)1099-0798) by subscription.

*British Journal of Psychiatry* (1853–).[class:periodical]

The archives of this journal cover much of historical significance including reports of the Lunacy Commissions. Contemporary articles report research and present discussions about diagnoses, treatment, and practice issues. Available [\\*online\[http://bjp.rcpsych.org/\]](http://bjp.rcpsych.org/) by subscription.

*History of Psychiatry* (1990–).[class:periodical]

Publishing research articles across the entire field of the history of mental illness, psychiatry, cultural responses, and social policy, this journal covers all periods of history up to the early 21st century, and all nations and cultures. Available [\\*online\[http://intl-hpy.sagepub.com/\]](http://intl-hpy.sagepub.com/) by subscription.

*Journal of the American Academy of Psychiatry and the Law* (1973–).[class:periodical]

This journal deals with the interfaces of psychiatry and the legal system and the theory and practice of forensic psychiatry and includes correctional psychiatry, psychiatric

evaluation of individuals involved with the criminal or civil legal system, ethics, regulation of psychiatric practice, education and training, and causes and treatment of behavioral problems. Available \*online[<http://www.jaapl.org/>]\* by subscription.

*Journal of Forensic Psychology Practice* (2001–).[class:periodical]

In the inaugural issue the editor declared this journal sought to engage debates about fairness, agency, rights, equality, and practice implications for a broad range of professionals engaged with the criminal justice system and its clientele. As such it publishes a wide range of review articles and empirical research studies across the CJS. Available \*online[<http://www.tandfonline.com/loi/wfpp20#.ViflI9wbGh>]\* by subscription.

*Law and Human Behavior* (1977–).[class:periodical]

As the official journal of the American Psychology-Law Society, a wide range of topics are covered in the way of reviews, original research, and discussions arising from the relationships between human behavior and the law, the legal system, and the legal process. Available \*online[<http://www.apa.org/pubs/journals/lhb/>]\* by subscription.

Piotrowski, C. 2012. Top cited journals in forensic psychology: An analysis of the psychological literature. *American Journal of Forensic Psychology* 30:29–37.[class:journalArticle]

The top five were *Law and Human Behaviour*, *Behavioral Science and the Law*, *British Journal of Psychiatry*, *Journal of Forensic Psychiatry and Psychology*, and the *American Journal of Psychiatry*.

*Psychology Psychiatry and Law* (1994–).[class:periodical]

This is the professional journal of the Australian and New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL). Relevant to professionals and students working in the areas, or intersections, of psychiatry, psychology, and the law, this journal particularly aims to facilitate cross-disciplinary debate, collaboration, and communication. Covers research and practice developments in forensic psychiatry, forensic psychology, criminology, behavioral science, civil and criminal mental health law, and related fields. Available

\*online[<http://www.tandfonline.com/loi/tppl20#.ViflUV9wbGg>]\* by subscription.

## ORIGINS

Both psychology and psychiatry together with their forensic specialties developed over a series of phases. Psychology separated from philosophy in the 18th century, and the first laboratory was established in Leipzig by Wilhelm Wundt (b. 1832–d. 1920) in 1879. The formal application of the academic discipline of psychology to law was dated by Landy 1992 to the 1890s with the setting up of a psychological laboratory at Harvard by a student of Wundt's, Hugo Munsterberg, whose book *On the Witness Stand* was an early treatise of eyewitness testimony and the role of the psychologist in court. Bartol and Bartol 1987 describes the work of another student of Wundt's, Schrenck-Notzing, who is acknowledged as the first psychologist to appear as an expert witness in a court of law (in a murder case) in 1896. They also acknowledge the work of other pioneers such as Healy in America. The term “forensic psychology” first appeared in the UK during the 1950s and in the United States in the 1970s. Wecht 2005 discusses the origins of a form of forensic medicine found in ancient Egypt, India, and China. The Greeks and Romans grappled with issues of rationality and responsibility for wrongdoing, and medical texts



relied on these writings well into the medieval period. The word “psychiatry” was not employed until 1808 by Professor Johan Christian Reil as a major branch of medicine. Walker 1968 and Walker and McCabe 1973 give accounts of the works of John Haslam (b. 1764–d. 1844) in England and Isaac Ray (b. 1807–d. 1881) in the United States who made further advances in the forensic aspects of the subdiscipline with an accompanying growth in its professionalization. In 1876 Italian physician Cesare Lombroso (b. 1835–d. 1909), published *L’Uomo Delinquente*. Gibson and Rafter 2006 shows how the influence of Comte’s positivism and Darwin’s biological evolutionary theories led to Lombroso inventing a classification of criminal types largely based on anthropological measurements. These ideas of constitutional origins of crime influenced both psychology and psychiatry and reached well into the 20th century through the work of Sheldon and Glueck in America. Blackburn 1993 gives a general critical account of the constitutional approaches including some detail of the approach taken by William Sheldon and husband-and-wife team, the Gluecks. Scott 1956 provides a portrait of Henry Maudsley (b. 1835–d. 1918) a British psychiatrist who was an early proponent of the idea that there were “external factors and circumstances” that counted in the causation of crime. Maudsley was concerned about delinquent children but was pessimistic that they could be treated so it was Healy and Fernald in the United States who set up an early clinic in Chicago to diagnose and treat “problem children.” Healy 1910 promoted the intensive investigation of young offenders’ antecedents and their environmental, familial, and educational backgrounds in order to highlight the causal factors of a criminal career. Healy suggested, among other things, bad companions, careless and alcoholic parents, poor education, and impulsivity were contributing factors (an approach and findings that resonate with modern thinking, e.g., Farrington 2004).

Bartol, C., and A. Bartol. 1987. History of forensic psychology. In *Handbook of forensic psychology*. Edited by I. Weiner, and A. Hess, 3–21. New York: Wiley. [ISBN: 9780471817352][class:bookChapter]

An introductory chapter charting the work of early American and European pioneers in forensic psychology (e.g., Healy, Cattell, Binet, and Stern). There is a section on Hugo Munsterberg, who is identified as the founding father, and they also describe the emergence of psychologists as experts able to testify in courts of law in the United States.

Blackburn, R. 1993. Biological correlates of anti-social behaviours. In *Psychology of criminal conduct: theory, research and practice*. Chichester, UK: Wiley. By R. Blackburn, 136–159. [ISBN: 9780471912958][class:bookChapter]

This chapter is a critical reading of constitutional theories of criminality, showing how the Lombroso thesis prevailed into the 20th century and includes the influence of William Sheldon and Sheldon and Eleanor Glueck in the United States.

Farrington, D. 2004. Criminological psychology in the twenty-first century. *Criminal Behaviour and Mental Health* 14:152–166.[class:journalArticle]

Describes models of criminal behavior and discusses Farrington’s pioneering prospective longitudinal study of delinquents.

Healy, W. 1910. The individual study of the young criminal. *Criminal Law and Criminology* 1:50–62.[class:journalArticle]

An early treatise on the contributor causes of crime among the young, which anticipated the findings of Farrington’s prospective study.

- Landy, F. 1992. Hugo Munsterberg: Victim or visionary? *Journal of Applied Psychology* 77:787–802.[class:journalArticle]  
 A critical assessment of the life and work of Hugo Munsterberg and the founding of his experimental laboratory at Harvard, indicating Munsterberg's strengths and weakness and the assessment of his status.
- Lombroso, C. 2006. *The criminal man*. Translated by Mary Gibson and Nicole Hahn Rafter. Durham, NC: Duke Univ. Press. [ISBN: 9780822337232][class:book]  
 A translation with an introductory commentary, this conveys the research techniques and findings of Lombroso's theories and classification of criminals.
- Scott, P. 1956. Pioneers in criminology XI: Henry Maudsley (1835–1918). *Journal of Criminal Law, Criminology and Police Science* 46:753–769.[class:journalArticle]  
 Scott profiles Henry Maudsley's life and contribution to advancing our understanding of the causes of crime and the treatment of criminals and the establishment of an institution that still bears his name.
- Walker, N. 1968. *Crime and insanity in England: The historical perspective*. Vol. 1. Edinburgh: Edinburgh Univ. Press.[class:book]  
 A meticulously researched detailed history of the development of the concept of insanity from the Anglo-Saxon period through to modern times. Charts the origins of Lunacy Laws and sets out the evolving medical and legal thinking that provided the context for subsequent mental health legislation. Shows how changing attitudes and developing knowledge are reflected in terminology (e.g., the evolution of the terms “mental defective,” and “mentally sub-normal” to the 21st-century usage of “learning disability”).
- Walker, N., and S. McCabe. 1973. *Crime and insanity in England: New solutions and new problems*. Vol. 2. Edinburgh: Edinburgh Univ. Press. [ISBN: 9780852240175][class:book]  
 Volume 2 gives accounts of key institutions such as Bedlam and Broadmoor. There is also a detailed discussion of the concept of personality disorder with portraits of pioneers such as James Pritchard, who was the first British psychiatrist to recognize the psychopath; Kraft Ebbing on the sexual psychopath; David Henderson, who identified aggressive, inadequate, and creative psychopaths; Kraepelin; and also Adolf Meyer, who developed a psychobiological approach.
- Wecht, C. H. 2005. The history of legal medicine. *Journal of the American Academy of Psychiatry Law* 33:245–251.[class:journalArticle]  
 Provides a grounding in ancient medical practice as a foundation for the subsequent development of legal medicine and psychiatry.

## DEVELOPMENT OF AN INSANITY DEFENSE

**Moran 1983** elucidates the relationship between medicine and the law and the emergence of the concept of criminal insanity. As countries began to codify criminal behaviors and develop the rule of law, the notions of responsibility for behavior and its absence began an interaction between doctors and lawmakers to determine the fate of a person who has committed a crime. Early differentiations were between those born without wits (i.e., idiots or imbeciles) or induced witlessness (e.g., through drink or injury). Later, as **Jackson 1983** illuminates, the notion of partial insanity was proposed, whereby a person might remain competent in some respects yet suffer from a certain disorder, such as

melancholy. It was recognized that in these cases people should not be held responsible for their actions. Maibom 2008 notes two particular British cases, Hadfield and M’Naghton (McNaughton), which helped to determine issues that still dominate contemporary discussion. The latter case gave rise to the M’Naghton rules, which came to dominate the law on criminal responsibility for over a hundred years. The most important of these stated the following: “To establish a defence on the ground of insanity it must be clearly proved, that, at the time of committing the act, the party accused was labouring under such a defect of reason from disease of the mind, as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know that what he was doing was wrong.” In the United States M’Naghton rules were widely used and not reformed until the 1950s following the case of Monte Durham. In this case an appellate judge established a new *Durham* rule stating an accused person is not criminally responsible if his or her unlawful act was the product of mental disease or mental defect. In 1972 the American Law Institute, a panel of legal experts, developed a new rule for insanity as part of the Model Penal Code. Bonnie, et al. 2008 gives details of the Hinkley case, which was an assassination attempt on the life of US President Ronald Reagan in 1981. Said to have been motivated by an obsessional fixation on the actress Jodie Foster, Hinckley was found not guilty by reason of insanity. The public outcry over the verdict contributed to the Insanity Defense Reform Act of 1984.

Bonnie, R. J., J. C. Jeffries, and P. W. Low. 2008. *A case study in the insanity defense: the trial of John W. Hinckley, Jr.* St. Paul, MN: Foundation. [ISBN: 9781599413846][class:book]

Presents an introduction, provides the history behind the insanity defense, and features extensive coverage of the John W. Hinckley Jr. trial. Reviews the reactions to the verdict, comments and questions from the trial, and insanity defense reform after the trial. Also included is coverage of Hinckley’s hospitalization and treatment.

Gutheil, T. G. 1999. A confusion of tongues: Competence, insanity, psychiatry and the law. *Psychiatric Services* 50:779–773.[class:journalArticle]

An article from a psychiatric perspective that differentiates between different tests of insanity and the evidential requirements of assessments.

Jackson, S. 1983. Melancholia and partial insanity. *History of the Behavioral Sciences* 19:173–184.[class:journalArticle]

Examines early thinking about states in which the individual is rational yet suffers some form of incapacity in the committing of a crime.

Loughnan, A. 2007. Manifest madness: Towards a new understanding of the insanity defence. *Modern Law Review* 70:379–401.[class:journalArticle]

Reformulations of McNaughton rules into the modern era are presented from the point of view of legal scholarship.

Maibom, H. 2008. The mad, the bad and the psychopath. *Neuroethics* 1:167–184.

Discusses application of the McNaughten rules and Model Penal Code making the case for psychopathy to be a defense in court.

Manchak, et al. 2013. \*Mental Health and

Crime[<http://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0098.xml>]\*. In *Oxford Bibliographies in Criminology*. Edited by Beth Huebner. [class:dataSetItem-database]

This annotated bibliography in *Oxford Bibliographies* is a useful adjunct listing of legal and legislative developments in the treatment of mentally disordered offenders.

Moran, R. 1983. The modern foundation of the insanity defense; the case of James Hadfield (1800) and Daniel McNaughton (1843). *Annals of the American Academy of Political and Social Science* 477:31–42.[class:journalArticle]

The cases of Hadfield and McNaughton are presented with the attendant legal arguments and codification of the McNaughton rules, which became the mainstay of a plea of insanity in many jurisdictions for over a hundred years.

West, D., and A. Walk, eds. 1977. *Daniel McNaughton: His trial and aftermath*. Ashford, UK: Headley Brothers. [ISBN: 9780902241015][class:book]

An edited collection covering the original trial and derivation of the McNaughton rules together with its applications in Australia and the United States and its later reformulations.

## INSTITUTIONS

Prior to the 18th century a mentally disturbed defendant could elicit a “not guilty” verdict, and the individual would be freed to be looked after by family. Scull, et al. 1996 shows how concern about the potential dangers associated with such offenders led to the rise of asylums, perhaps the most famous being Bedlam in the UK, which housed the criminally insane. Cookson 2012 charts the history of psychiatry as a specialism within medicine, which began with custodial asylums for individuals who were diagnosed as a “nuisance” and for whom some therapeutic intervention could be rendered. The idea of more humane moral therapies and alternatives to chaining up and flogging inmates to restrain or silence them was seen in the work of William Tuke and the York Retreat. As the number of individuals declared criminally insane increased, other institutions were built, such as Broadmoor Hospital, opened in 1863 in Berkshire, UK, for both men and women inmates. Partridge 1953 provides a history of Broadmoor and its treatment regimes, which is brought up to date by Black 2008, whose author was the first forensic clinical psychologist to develop systematic research into mentally disordered offenders. The histories of institutions are associated with evolving treatment regimens and changes in public, political, and judicial attitudes. A novel insight into the physical treatment of the criminally insane is provided by Topp, et al. 2007, which is a collection of essays that looks at the evolution of the design of institutions to fit treatment philosophies.

Black, D. A. 2008. *Broadmoor interacts: Criminal insanity re-visited*. Chichester, UK: Barry Rose Law.[class:book]

Tony Black was head of psychology services at Broadmoor Hospital from 1959 until 1986. This book takes up the story of Broadmoor from Partridge 1953 and from Black’s perspective as the first consultant psychologist hired to introduce new methods of assessment and help develop a research capability; this is a fascinating account of his work and research, among the earliest by a psychologist on an incarcerated forensic population in the modern period.

Cookson, J. 2012. A brief introduction of psychiatry. In *Core psychiatry*. Edited by P. Wright, J. Stern, and M. Phelan, 3–12. Amsterdam: Elsevier Health Sciences.[class:bookChapter]

This introductory chapter provides an accessible account of early institutions such as Bedlam and the York retreat. It also charts the development of differing interventions, particularly drug treatments.

Partridge, R. 1953. *Broadmoor a history of criminal lunacy and its problems*. London: Chatto and Windus.[class:book]

A history of the institution that provides some background to the laws relating to the incarceration of those declared criminally insane, including an account of the McNaughton case. The book is an insight into the application of early therapies such as ECT, insulin coma therapy, and occupational therapy. Case details of detainees are also given of especial interest are the women offenders.

Scull, A., C. McKenzie, and N. Harvey. 1996. *Masters of Bedlam: The transformation of mad doctoring trade*. Princeton, NJ: Princeton Univ. Press. [ISBN: 9780691034119][class:book]

Uses the key personalities associated with Bedlam to chart its history and treatment regimes.

Topp, L., J. Moran, and J. Andrews, eds. 2007. *Madness, architecture and the built environment: Psychiatric spaces in historical context*. New York: Routledge. [ISBN: 9780415375290][class:book]

An interesting alternative perspective of insanity and incarceration through a series of essays about the design and purposes of asylums.

## CLASSIFICATION

Walker 1968 (mentioned in *\*Origins\**) maps out the endeavors in both psychiatry and psychology in defining types of offenders as well as classifying symptoms. Sir Mathew Hale (b. 1609–d. 1676), an English jurist, using the psychological and physiological knowledge of the day, identified idiocy and imbecility and distinguished these from induced states either by habit or brought about through the agency of another. Under *\*Institutions\** can be found the work of Lombroso, who divided criminals into the categories of epileptic, moral imbeciles, born criminals, occasional criminals, and criminals by passion. Eysenck 1987 (cited under *\*Origins\**) acknowledges his debt to Sheldon, who invented body types in the 1940s (i.e., endomorphs, ectomorphs, and mesomorphs), which were influential in his own development of the personality-categories: extroverts, introverts, psychotics, and neurotics and their association with different types of crime. *\*\*American Psychiatric Association\*\** has an online resource explaining the use of the census to collect data about mental health in the 19th century, which resulted in formalized classifications and later how the two world wars provided further impetus to systematizing diagnostic categories for the purposes of assessment and treatment leading to the development of the Diagnostic Statistical Manual (DSM) and the International Classification of Diseases (ICD). Widiger 2015 provides a more detailed treatise on the invention and development of the DSM in his bibliographic listings. Psychiatrists attempting to classify offenders include Kraepelin in the 19th century and his identification of dementia praecox as a precursor to schizophrenia. *\*\*European Archive of Psychiatry and Clinical Neuroscience\*\** has a special issue devoted to Kraepelin work. Clements 1996 refers to the work of 20th-century psychologists who continued to develop categories of violent and sexual offenders, especially when considering interventions. The edited collection Proulx, et al. 2014 gives details of an alternative



- pathways approach to sexual offending based on behavioral sequences and includes chapters about the work of Tony Ward and colleagues on sexual offending.
- American Psychiatric Association[nonPersonal]. 2015. \*History of the DSM[<http://www.psychiatry.org/practice/dsm/dsm-history-of-the-manual>]\*.[class:dataSetItem-database]  
 This provides a thumbnail sketch of the origin of DSM and is a portal to the exploration of other resources about the manual.
- Clements, C. B. 1996. Offender classification: Two decades of progress. *Criminal Justice and Behavior* 123:121–143.[class:journalArticle]  
 Reviews the literature from the late 20th and early 21st centuries, noting the increased relevance of risk assessment and correctional supervision with classification being based on psychological characteristics, and needs assessment.
- Eysenck, H. 1987. Personality theory and the problem of criminality. In *Applying psychology to imprisonment: Theory and practice*. Edited by B. McGurk, D. Thornton, and M. Williams, 29–58. London: Her Majesty’s Stationery Office. [ISBN: 9780113408511][class:bookChapter]  
 Eysenck’s own account of the derivation of his personality dimensions of extraversion, introversion, psychoticism, and neuroticism and their link to particular crimes.
- Proulx, J., E. Beauregard, P. Lussier, and B. Leclerc, eds. 2014. *Pathways to sexual aggression*. Abingdon, UK: Routledge. [ISBN: 9780415703604][class:book]  
 Provides an overview of up-to-date thinking, particularly the pathways approach (i.e., including the precursors, offense behaviors, and aftermath) to sexual offenders, including women, by contemporary academics and practitioners.
- Special issue: European Archives of Psychiatry and Clinical Neuroscience*. 1995. 245.4–5: 185–244.[class:journalArticle]  
 This special issue has nine articles devoted to Kraepelin and his legacy.
- Widiger, Thomas. 2015. \*Diagnostic and Statistical Manual of Mental Disorders (DSM)[<http://www.oxfordbibliographies.com/view/document/obo-9780199828340/obo-9780199828340-0022.xml>]\*. In *Oxford Bibliographies in Psychology*. Edited by Dana S. Dunn. [class:dataSetItem-database]  
 This annotated bibliography provides a detailed listing of key references outlining the history and continued iterative development of the Diagnostic Statistical Manual series.

## ASSESSMENT AND MEASUREMENT

Assessing whether or not a person is mad or bad was and remains an important part of the intellectual and practice activity of psychologists and psychiatrists as this helps to determine their eventual plea in court and disposal if found guilty. Baker 1997 identifies the “wild beast” test as an early attempt to distinguish between a sane and insane offender whereby only those exhibiting actions more in keeping with active moral choices than animal reflexes were held to be culpable and assessed by local knowledge. The McNaughton principles mentioned in \*Development of an Insanity Defense\* was the judiciary’s approach to codify criteria for an insanity plea. A primitive psychometric measure, “the psychometer” was published in the 19th century by Smith 1872, comprising a 100-point scale defining perfection (100) to idiocy (10). Normal capacity was scored at fifty. Otto and Douglas 2012 shows how psychologists, clinicians, and academic researchers were preoccupied with risk assessment especially for sexual and



violent offending. This book is a comprehensive account of different assessment methods. Another key text is [Melton, et al. 2007](#), which provides a detailed account of assessment techniques including psychometric tests and the use archival records. A major assessment tool used by psychologists is the Psychopathy Checklist (revised version) (PCL-rev) whose key exponents describe its workings in [Cooke, et al. 1998](#). Other instruments were designed to measure changes in behavior as a consequence of treatment (e.g., the interpersonal circle conceived by [Blackburn and Renwick 1996](#)) while [Gudjonsson 1984](#) developed a scale of suggestibility that was applied as evidence in miscarriages of justice appeals (see [Gudjonsson 2002](#)). [Grubin 2009](#) pioneered the use of physiological indices such as galvanic skin response, cardiovascular activity, and respiration as measured by the polygraph as an indication of lying among sex offenders in treatment. [Marshall and Fernandez 2001](#) gives a critical assessment of phallometry, the measurement of penile erectile responses often employed in assessments of male sex offenders.

Blackburn, R, and S. J. Renwick. 1996. Rating scales for measuring the interpersonal circle in forensic psychiatric patients. *Psychological Assessment* 8:76–84.[class:journalArticle]

[Details a widely used scale that assesses behavior of offenders often in the evaluation of change after some psychological intervention.](#)

Cooke, D., A. Forth, and T. Hare, eds. 1998. *Psychopathy: Theory, research and implications for society*. Dordrecht, The Netherlands: Kluwer Academic. [ISBN: 9780792349198][class:book]

[Contains empirically based contributions by the world's leading researchers describing the relevance of the construct to practical and policy issues. Also examines treatment, risk management, and recidivism across a range of populations and cultures.](#)

Grubin, D. 2009. The use of polygraphs. In *Psychiatry and crime: The Jephcott symposium and lecture series of the Royal Society of Medicine*. Edited by K. Bhui. London: Royal Society of Medicine Press. [ISBN: 9781853158834][class:bookChapter]

[Describes the development of the polygraph and how it measures physiological responses and itemizes its applications and evidential admissibility.](#)

Gudjonsson, G. H. 1984. A new scale of interrogative suggestibility. *Personality and Individual Differences* 5:303–314.[class:journalArticle]

[Provides an account of the suggestibility scale whose use has been accepted as evidence in legal particularly appellate cases.](#)

Gudjonsson, G. H. 2002. Unreliable confessions and miscarriages of justice in Britain. *International Journal of Police Science and Management* 4:332–343.[class:journalArticle]

[Shows the operation of the suggestibility scale in cases where convictions based on confession evidence have been quashed on appeal between 1989 and 2002. In over half the cases the appellant's psychological vulnerability \(rather than coercive or oppressive interviewing\) rendered their confession unreliable.](#)

Marshall, W. L., and Y. M. Fernandez. 2001. Pallometry in forensic practice. *Journal of Forensic Practice* 1:77–87.[class:journalArticle]

[Briefly reviews the empirical base of pallometry and evaluates its use when contributing to decisions concerning sentencing, dangerousness, or reoffending risks in sex offenders.](#)

- Melton, G. G., J. Petrila, N. G. Poythress, and C. Slobogin. 2007. *Psychological evaluations for the courts: A handbook for mental health professionals and lawyers*. 3d ed. New York: Guilford. [ISBN: 9781572309661][class:book]  
 Comprising five sections, this book provides an overview of the American legal system, describes details of a range of assessment methods, discusses competency issues under the heading criminal processes, and has sections on civil adjudications, families, and children. Also includes several papers on how to communicate with the courts.
- Otto, R. K., and K. S. Douglas, eds. 2012. *Handbook of violence risk assessment*. New York: Routledge. [ISBN: 9780415962148][class:book]  
 Provides chapters illustrating the development of risk assessments measure, their application, and empirical findings from research.
- Smith, C. 1872. *Mental capacity in relation to crime and modern society*. London: Baillière, Tindall, and Cox.[class:book]  
 Of interest because of its publication of the “psychometer,” which is an early assessment instrument.

## TREATMENTS

- The history of treatments has had a checkered if not controversial history (see \*Controversies\*). Raz 2013 draws attention to early practices, including trepanation (drilling a hole in the skull), perhaps finding its modern equivalent in psycho-surgery and the prefrontal lobotomy. Early “treatments” such as purging, physical restraints, and flogging are mentioned in Walker 1968 cited in \*Origins\* section. “Moral” or more humane therapies that prevailed in the latter part of the 18th century are introduced by Bynum 1974, which describes how psychology and psychiatry were influenced by Freudian psychoanalysis in the 19th century. By the 20th century, psychologists in particular introduced a range of talking therapies that are detailed in the chapters of the edited collection Cordless and Cox 1996. As medical interventions were developed, the idea of convulsive therapies included insulin-induced comas and electro-convulsive shock (see Black 2008, cited under \*Institutions\*). In the 1950s chlorpromazine was discovered as a treatment for psychoses while antidepressants were introduced during the 1960s. Recent developments in drug treatments are presented by Allison and Moncrieff 2014. Simon and Tardiff 2009 presents different psychiatric treatment and management options for violent patients. Craig, et al. 2013 gives a comprehensive account of treatment intervention employed by forensic psychologists such as enhanced thinking skills and specialist interventions for sex and violent offender treatments.
- Allison, L., and Joanna Moncrieff. 2014. Rapid tranquillisation: An historical perspective on its emergence in the context of the development of antipsychotic medications. *History of Psychiatry* 25:57–69.[class:journalArticle]  
 Provides a short history of drug treatment in psychiatry and brings this up to date with modern practices of emergency sedation.
- Bynum, W. F. 1974. Rationales for therapies in British psychiatry 1780–1835. *Medical History* 18:317–334.[class:journalArticle]  
 Discusses the trend where insanity was thought to be linked to diseases of the mind or diseases of the brain and the implications of this thinking in control and treatment of the insane. The rise of more humane therapies and changes in social attitudes is shown to

derive from the work of Pinel and Samuel Tuke and their respective institutions: the Bicêtre and the York Retreat.

Cordless, C., and M. Cox, eds. 1996. *Forensic psychotherapy, crime psychodynamics and the offender patient*. 2 vols. London: Jessica Kingsley. [ISBN: 9781853022401][class:book]

A collection of chapters by key academics and practitioners utilizing a range of psychotherapeutic interventions across a range of offending types.

Craig, L. A., L. Dixon, and T. A. Gannon, eds. 2013. *What works in offender rehabilitation: An evidence based approach to assessment and treatment*. Chichester, UK: Wiley-Blackwell. [ISBN: 9781119974574][class:book]

Many of the current practitioners present up to date accounts of the various interventions used by psychologists working with offenders.

Raz, M. 2013. *The Lobotomy Letters: The Making of American Psychosurgery*. Rochester, NY: Univ. of Rochester Press. [ISBN: 9781580464499][class:book]

Describes the work of Freedman, who was a pioneer in controversial surgery involving severing the pre-frontal lobe.

Robitscher, J. B. 1974. Psychosurgery and other somatic means of altering behavior. *Bulletin of the American Academy of Psychiatry and the Law* 2:7–33.[class:journalArticle]

Presents cases illustrating the use of somatic behavior control methods such as psychosurgery, hypnosis, drug therapy, electroconvulsive therapy, and electrical stimulation of the brain.

Simon, R. I., and K. Tardiff, eds. 2009. *Textbook of violence assessment and management*. Washington, DC: American Psychiatric.[class:book]

An edited compendium in five sections, assessment principles, treatment settings, treatment management, special populations, and special topics chapters detail treatment and management options for violent patients including violence against mental health practitioners.

## CONTROVERSIES

During their respective histories, both psychiatry and psychology have courted controversy through their approaches and treatments. Particularly noteworthy during the 1960s was the anti-psychiatry movement (a term popularized by David Cooper in 1967), which viewed treatments such as electroconvulsive therapy, insulin shock therapy, lobotomies, and the over-prescription of potentially dangerous pharmaceutical drugs as oppressive and positively harmful. Psychiatrists involved included Thomas Szasz, and R. D. Laing together with other such as Michel Foucault and Erving Goffman. Burstan 2014 summarizes the main protagonists and issues. Martinson 1974 is a seminal paper that initiated the “nothing works” debate, which had a remarkable effect on discrediting rehabilitative initiatives. Later with better statistical techniques, psychologists were able to demonstrate effective treatment of offenders was possible. McGuire 2013 provides a reflective overview of these debates over the last two decades. Another debate in the psychology literature has been about the appropriateness of evaluative methods with opposing camps espousing the virtues of randomized control trials versus more qualitative approaches. Hollin 2008 gives a reasoned critique of the use of randomized control trials (RCTs) particularly the problem of treatment override where an offender

misses out on a rehabilitation option though the random allocation of cases to the experimental or control conditions. [Brigham 1999](#), cited under [\\*Defining Forensic Psychology\\*](#) discusses “the battle of the clinicians” over the status of recovered memories of childhood abuse. Ethical issues over the role boundaries of treatment versus assessment for legal purposes abound. [Stone and MacCourt 2008](#) revisits reactions to the former’s controversial book, *Law Psychiatry and Morality*. [Ward 2008](#) discusses ethics and human rights issues from a forensic psychology perspective, including dual-role dilemmas.

Burstan, D. 2014. Anti-psychiatry. In *Encyclopaedia of critical psychology*. Edited by T. Teo, 109–115. Springer.[class:bookChapter]

[Presents the key proponents and outlines the main arguments.](#)

Cooper, David, ed. 2013. *Psychiatry and anti-psychiatry*. Abingdon, UK: Routledge.

[Originally published in 1967 as a fierce critique of traditional psychiatric methods and professional practice, this edition includes a helpful reflective commentary.](#)

Foucault, M. 2006. *History of madness*. Abingdon, UK: Routledge.[class:book]

[First published as \*Folie et Dérison\* in 1961 this charts the history of madness and the cultural interpretations of what it is to be mad. A seminal work that divided its critics.](#)

Goffman, E. 1968. *Asylums: Essays on the social situation of mental patients and other inmates*. Chicago: AldineTransaction.[class:book]

[A passionate critical assessment of mental institutions and their treatment of patients.](#)

Hollin, C. R. 2008. Evaluating offending behaviour programmes: Does only randomisation glister? *Criminology and Criminal Justice* 8:89–106.[class:journalArticle]

[A critical review of randomized control trials as a method of evaluating interventions with offenders and suggesting alternative evaluative methods](#)

Martinson, R. 1974. What works? Questions and answers about prison reform. *Public Interest* 35:22–54.[class:journalArticle]

[Reviewing 231 outcome studies conducted between 1945 and 1967, this article claims that only a few prison-based treatment programs produced positive results. This paper had a significant impact on the use of rehabilitative interventions in prisons and stimulated the development of meta-analytic techniques of evaluation.](#)

McGuire J. 2013. What Works to reduce reoffending: 18 years on. In *What works in offender rehabilitation: An evidence based approach to assessment and treatment*. Edited by L. A. Craig, L. Dixon, and T. A. Gannon, 20–49. Chichester, UK: Wiley-Blackwell. [ISBN: 9781119974574][class:bookChapter]

[A detailed review of two decades of evaluative research into post-Martinson rehabilitation interventions.](#)

Stone, A. A., and D. C. MacCourt. 2008. Ethics in forensic psychiatry: Re-imagining the wasteland after 25 years. *Journal of Psychiatry and Law* 36:617–643.[class:journalArticle]

[A discursive paper reflecting on ethical dilemmas of medics being involved in court cases. There is also commentary on scientific standards, including the Daubert test introduced in 1992 into American courts, which is about the credentials of a particular technique employed by experts in court cases.](#)

Szasz, Thomas. 1974. *Myth of mental illness: Foundations of a theory of personal conduct*. New York: Harper Perennial. [ISBN: 9780060141967][class:book]

A seminar work and a key paper in the anti-psychiatry movement.

Ward, T. 2008. Human rights and forensic psychology. *Legal and Criminological Psychology* 13:209–218.[class:journalArticle]

A highly readable recounting of human rights implications for forensic psychologists when dealing with prisoners including the problems encountered when treating a “patient” as opposed to giving an assessment of a “prisoner.”

## WOMEN OFFENDERS

Women offenders and their different experiences compared to male criminals tended not to be the subject of scholarship until the late 20th century, with Heidensohn 1968 being a notable pioneer. In the 16th and 17th centuries, women were often accused of witchcraft if they exhibited a number of tell-tale characteristics; this was supposed to explain some harm that might have befallen a community or a particular individual. The experiences of these unfortunate women, together with a history of relevant legislation such as an Act of Parliament in 1604 (repealed in 1736)—making it a capital offense to covenant with or entertain evil spirits—are detailed in Douglas 1970. By the 19th century, medical men were diagnosing hysteria as the cause of female criminal behavior, with Harris 1988 particularizing homicides and vitriol throwing in crimes of passion. Among the earliest academic research of the 20th century (cited under \*Origins\*), which traced the lives of five hundred women after their release from the Massachusetts Reformatory, was conducted in Glueck and Glueck 1934. Heidensohn 1968 provides an account of why there was so little attention paid to women’s delinquency before it become a mainstream subject of study. The authors of Gannon, et al. 2010 were the few forensic psychologists differentiating the patterns of behavior and motivations of women sexual offenders. Thompson and Ricard 2009 presents an analysis of women involved in cases of serial murder, disputing their role as merely being the accomplices of male co-offenders. Douglas, Mary, ed. 1970. *Witchcraft, confessions and accusations*. New York and London: Tavistock.[class:book]

This edited collection contains a helpful introduction by Mary Douglas. There is a chapter by Keith Thomas on the history of witchcraft in England and one by Alan MacFarlane on witchcraft in Tudor and Stuart Essex. Both chapters provide the background on accusations, legislations, and outcomes of and trials.

Gannon, T., M. Rose, and T. Ward. 2010. Pathways to female sex offending: Approach or Avoidance? *Psychology, Crime, and Law* 16:359–380.[class:journalArticle]

One of the few empirical investigations into women sex offenders, Gannon and colleagues distinguish between women coerced into offending and those who play a more active role. Using grounded theory, this study produces a descriptive model proposing four distinct pathways illustrated by case studies.

Glueck, S., and E. T. Glueck. 1934. *Five hundred delinquent women*. New York: Knopf.[class:book]

Opened in 1877, the Massachusetts Reformatory for Women was the site of this originating empirical investigation detail the background and traits of offending women. Part 1 (“Grist of the Mill”) provides the statistical background with 50 percent committed for a sexual crime (i.e., prostitution). Part 2 (“The Mill and its System”) describes the work of the reformatory. Part 3 evaluates the effects of the regime and the inhibitors of reformation. Also offers a predictive prognostic instrument for the courts.



Harris, Ruth. 1988. Melodrama, hysteria and feminine crimes of passion in the fin-de-siècle. *History Workshop* 25 (Spring): 31–63.[class:journalArticle]

This paper by a historian charts the ideas of feminine responsibility for crimes of passion against the background of a diagnosis of a nervous disorder termed hysteria said to be either an excess of emotion or where a woman is under the thrall of a man to commit a crime. Several celebrated cases are described including the trial of Mde Béradi who was acquitted (like literally hundreds of women) despite having murdered her former lover.

Heidensohn, F. 1968. The deviance of women: A critique and an enquiry. *British Journal of Sociology* 19:160–175.[class:journalArticle]

A sociologist by training, Frances Heidensohn is an eminent feminist criminologist and this article is said to be the forerunner of scholarship on women and crime. Here she demolishes prior theoretical thinking that considers crime from a male perspective but is unfortunately unable to explain women's commission of crime.

Kelly, B. D. 2009. Criminal insanity in 19th-century Ireland, Europe and the United States: cases, contexts and controversies. *International Journal of Law and Psychiatry* 32:362–368.[class:journalArticle]

Explores conditions in 19th-century asylums and considers ideas of criminal responsibility especially from the point of view of women and relevance of menstruation, pregnancy, and childbirth

Thompson, Jennie, and Suzanne Ricard. 2009. Women's role in serial killing teams: Deconstructing a radical feminist perspective. *Critical Criminology* 17:261–275.[class:journalArticle]

Picking up the historical theme from Harris's paper and also the distinction made by Gannon and colleagues, this article describes three celebrated cases of women murderers (Martha Beck, Myra Hindley, and Karla Homolka) and offers a feministic theoretical perspective to counter the apparent coercive control said to have been exercised by their male partners.

## INTERNATIONAL PERSPECTIVES AND CROSS-CULTURAL ISSUES

The application of forensic psychology and forensic psychiatry both internationally and also across diverse ethnic groups addresses issues of standards and content of training and remits as well as general applicability of diagnoses and assessment instruments. There are a number of international associations such as the **American Psychology-Law Society**, **International Academy of Law and Mental Health**, and the **European Association of Psychology and Law** that hold conferences and have associated journals that include research articles and commentaries from an international field of academics discussing these issues. The former also helped to develop forensic psychology specialty guidelines in **American Psychology Association 2013**. The edited collection **Sheehan and Ogloff 2015** is a multinational comparison of practice. **Cooke, et al. 2005** provides a key international comparison of the assessment of psychopathy amongst offenders in the United States and United Kingdom, an area that has sparked some controversy. Other sources provide accounts of forensic psychiatric practice as conducted in non-European contexts (e.g., China) as documented by **Junmei Hu, et al. 2010**. **Polisenska 2007**, **Sigurdsson and Gudjonsson 2004**, and **Zaki 2009** respectively



give accounts of forensic psychology as practiced in the Czech Republic, Iceland, and in Israel.

American Psychological Association[nonPersonal]. 2013. Speciality guidelines for forensic psychology. *American Psychologist* 68.1: 7–19.[class:journalArticle]

These detailed definitions of forensic psychology look at roles, standards of practice, and ethical issues.

\**American Psychology-Law Society*[<http://www.apadivisions.org/division-41/index.aspx>]\*.[class:webLink]

This site hosts details of courses and continuing education opportunities, and includes contributions on careers and ethics. It also publishes **\*\*Law and Human Behavior\*\***, cited under **\*Journals\***.

Cooke, David, Christine Michie, Stephen Hart, and Danny Clarke. 2005. Assessing psychopathy in the UK: Concerns about cross-cultural generalisability. *British Journal of Psychiatry* 186.4 (March): 335–341.[class:journalArticle]

This paper investigates whether the syndromal structure of psychopathy, as measured by the Psychopathy Checklist–Revised (PCL–R), is the same in the UK and North America. Found that PCL–R scores were not equivalent across cultures: scores obtained in the UK are not directly comparable with those obtained in North America, so care must be exercised when the PCL–R is used to make important clinical decisions in the UK.

\*European Association of Psychology and Law[<https://www.eapl.eu>]\*.[class:webLink]

Has the aims of developing and promoting research and advancing knowledge in the areas of legal psychology, criminological psychology, forensic psychology, law, and human behavior with a focus on Europe but also promotes communication and collaboration worldwide. It supports a journal, *Psychology Crime and Law*, which covers applications of psychological approaches to crime.

Hu, Junmei, Min Yang, Xiaoqi Huang, Xiehe Liu, and Jeremy Coid. 2010. Forensic psychiatry assessments in Sichuan Province, People's Republic of China, 1997–2006. *The Journal of Forensic Psychiatry & Psychology* 21:604–619.

This article describes 3016 persons assessed by a service in Sichuan Province, People's Republic of China from 1997–2006. Most assessments were referred by the police for courts in criminal cases to determine fitness to stand trial and degree of criminal responsibility. Those not responsible were more likely to be older, farmers, with poor education, schizophrenia, facing charges of serious violence. Forensic psychiatrists also provided assessments of competency of alleged female victims of sexual violence to consent to sexual intercourse.

\*International Academy of Law and Mental

Health[<https://www.ialmh.org/template.cgi>]\*.[class:webLink]

Covering the health professions, social sciences, and the humanities, IALMH takes a multidisciplinary and cross-national approach to problems at the intersection of law and mental health. Its official journal, *International Journal of Law and Psychiatry* is a multidisciplinary forum for the exchange of ideas and information among professionals concerned with the interface of law and psychiatry and exploring the fundamental goals of both the legal and psychiatric systems and the social implications of their interaction. The academy holds a bi-annual international conference.

- Polisenska, V. A. 2007. Forensic psychology in the Czech Republic. *Journal of Investigative Psychology and Offender Profiling* 4.1: 55–57.[class:journalArticle]  
Provides an overview of the origins and developments in forensic psychology in the Czech Republic; of particular interest is the description of the de-politicization of prisons and the introduction of therapeutic regimes.
- Sheehan, R., and J. Ogloff, eds. 2015. *Working within the forensic paradigm: Cross-discipline approaches for policy and practice*. London and New York: Routledge. [ISBN: 9781138017580][class:book]  
With contributors from Australia, Canada, UK, Ireland, and the United States, these papers provide international coverage of law and mental health issues: including treatment of sex offenders' substance abuse and community care options.
- Sigurdsson, J. F., and G. N. Gudjonsson. 2004. Forensic psychology in Iceland. *Scandinavian Journal of Psychology* 45.4: 325–329.[class:journalArticle]  
Reports the results of a survey indicating the kind of work undertaken by forensic experts in Iceland, including assessments relating to child care and custody proceedings, criminal responsibility, and reliability of testimony.
- Zaki, M. 2009. The field of forensic psychology in Israel: The state of the discipline. *Medicine and Law* 28.4: 688–696.[class:journalArticle]  
This paper describes the work of Haifa University's International Centre for Health Law and Ethics, which runs a master's program where the research undertaken includes examination of bias and creation of professional practice standards.